**Strategy and RFD:**

*I read this aff. John read a util framework, a counterplan, a politics disad, and defense on the aff. I went for a perm in the 1ar, defense on politics, the International Law scenario coming out of the AC, and I forgot what else… I think that’s it. Oh yeah, there was weighing between small net benefits off the counterplan and the risk of an extinction scenario coming off the aff. Ryan Fink voted aff off the perm, but also because the competition wasn’t read in the NC.*

***There’s also a video of the round here: http://tocteach.com/***

**PART 1 IS THEORY**

1. Evaluate procedural interps read by neg as a reason to drop the argument if they indeit an affirmative interp or practice **(A)** neg can always run theory, key to deterring theory abuse which supercedes theory debate **(B)** no way I can cater to exactly how (s)he *thinks* that the rules should be for debate unless he asks me before round and **(C)** aff has only 4 minutes to respond to 7 minutes, massive time skew on the rebuttal spread. This also justifies an aff RVI.

2. I will concede reasonable neg interps if they’re read to me in cx. This meta-theory interp is best for substance education because it tries to avoid abuse and the theory debate.

**PART 2 IS OBSERVATIONS**

1. The USFG is the actor because the res specifies the U.S. criminal justice system, which only the gov has power over. Any specification inside the criminal justice system would be arbitrary, and the resolution needs an actor so the U.S. makes the most sense. Also, key to debatability because we’re debating a shift in policy or mindset, but it’s moot if we use an actor who can’t influence the res. The framework I read still stands without an actor because it frames obligations in context of the U.S. criminal justice system.

2. The Encyclopedia of Criminal Justice defines rehabilitation as “**Punishment intended to reform a convict so that [he or] she can lead a** productive **life** **free from crime**.”[[1]](#footnote--1) Retribution is “**Punishment for** bad conduct, **criminal actions**, etc., typically considered **in terms of** redress or **repaying a debt to society**; the avenging of wrong deeds, etc.; vengeance; an instance of this. Also: punishment regarded as an expression of divine will; a punitive act.”[[2]](#footnote-0) “Criminal justice system” as “the system of law enforcement that is involved in… incarcerating those suspected of criminal conduct.”

Prefer this definition because it comes from a contextualized source.

3. The Online Etymology Dictionary[[3]](#footnote-1) defines the evaluative term ought:

**[The main modern use of ought is]** As an auxiliary verb **expressing duty or obligation** ~~(~~c.1175, the main modern use), it represents the past subjunctive.

Prefer this definition because it’s the most commonly used and words only obtain meanings through usage. This means his ethics have no link to the evaluative term in the resolution, it says obligation, not a MORAL obligation.

**PART 3 IS THE UNDERVIEW AT THE TOP OF MY CASE**

1. Conclusions from 302 meta-meta analyses show that rehabilitation interventions are successful in decreasing problem behaviors. **Cullen**:[[4]](#footnote-2)

**Hundreds of studies of** the effects of various **rehabilitation** treatments on recidivism **have been** conducted with both juvenile and adult offenders in community-based and residential correctional programs. The findings of those studies, in turn, have been **examined in numerous meta-analyses**. Some of these overlap in the studies they cover, and some researchers have contributed more than one meta-analysis. At the same time, there is [**with] considerable diversity in** the meta-analytic **approaches [so]** and techniques used and **the[re’s] potential for** different meta-analyses to reach **different conclusions**. Our purpose here is to take a broad overview of virtually all the existing meta-analyses on rehabilitation treatments as a way to appraise the current state of evidence about their effectiveness for reducing recidivism. The most general result available from these meta-analyses is an estimate of the over- all mean effect size across diverse samples of studies of different rehabilitation treatments Most of their mean effect sizes [**they] represent recidivism reductions** in the **20**% range, vary-ing upward **to** nearly **40%**. It is especially no- table that **there is no overlap in the range of** mean **effect** sizes found in meta-analysis **of rehab**ilitation treatment **and** that found for meta-analyses of the effects of **sanctions** and supervision (Table 1). The smallest mean recidivism effect size found in any meta- analysis of a general collection of rehabilitation studies is bigger than the largest one found in any meta-analysis of the effects of sanctions.

Prefer the Cullen meta-analysis independently:

1. it’s comparative with control groups which solves for alt causalities.
2. study indicates it analyzed *all* meta-analysis data in the field so it outweighs on scope, impact to everyone, and provides a mean-analysis. This means that Cullen didn’t cherry-pick studies and that it’s the best OVERALL finding.
3. If there’s any methodology debate default this study because meta-meta studies are the only way to test to solve for methodological differences and how they affect a study’s outcome.

Crime kills international credibility. **Falk**[[5]](#footnote-3)

This unabashed avowal of imperial goals is the main thesis of the article, perhaps most graphically expressed in the following words: "**The U**nited **S**tates **can** increase the effectiveness of its military forces and **make** the world safe for soft power, America's inherent comparative advantage." As the glove fits the hand, **soft power** complements hard power within the wider enterprise of transforming the world in the United States' image, or at least in the ideal version of the United States' sense of self.

The authors acknowledge (rather parenthetically) that **their strategy may not work if the US continues** much longer **to be seen unfavourably abroad as a national abode** **of** drugs, **crime**, **[and] violence**, fiscal irresponsibility, family breakdown, and political gridlock. They make a rather meaningless plea to restore "a healthy democracy" at home as a prelude to the heavy lifting of democratising the world, but they do not pretend medical knowledge, and offer no prescriptions for restoring the health of the American body politic. And now, 16 years after their article appeared, it would appear that the adage, "disease unknown, cure unknown", applies.

And, International credibility is key to allies, solves multiple scenarios for extinction. **Nye and Armitage**[[6]](#footnote-4)

Soft power is the ability to attract people to our side without coercion. **Legitimacy is central to soft power**. If a people or nation believes American objectives to be legitimate, we are more likely to persuade them to follow our lead without using threats and bribes. Legitimacy can **[and] also reduce[s] opposition** **to**—and the costs of—using **hard power** when the situation demands. Appealing to others’ values, interests, and preferences can, in certain circumstances, replace the dependence on carrots and sticks. Cooperation is always a matter of degree, and it is profoundly influenced by attraction. This is evident in the changing nature of conflict today, including in Iraq and against al Qaeda.

In traditional conflict, once the enemy is vanquished militarily, he is likely to sue for peace. But many of the organizations against which we are fighting control no territory, hold few assets, and sprout new leaders for each one that is killed. Victory in the traditional sense is elusive. Militaries are well suited to defeating states, but they are often poor instruments to fight ideas. Today, **victory depends on attracting** foreign **populations** **to** **our** **side** and helping them to build capable, democratic states. Soft power is essential to winning the peace. It is easier to attract people to democracy than to coerce them to be democratic. Since America rose on the world stage in the late nineteenth and early twentieth centuries, it has wielded a distinctive blend of hard and soft power. Despite nineteenth-century military adventures in the Western hemisphere and in the Philippines, the U.S. military has not been put in the service of building a colonial empire in the manner of European militaries. Particularly since World War II, America has sought to promote rules and order in a world in which life continues to be nasty, brutish, and short for the majority of inhabitants. American sources of soft power are plentiful. Soft power is more than mere cultural power, although the appeal of Hollywood and American products can play a role in inspiring the dreams and desires of others. Sources include the political values and ideas enshrined in the Constitution and Bill of Rights, U.S. economic and educational systems, personal contacts and exchanges, and our somewhat reluctant participation and leadership in institutions that help shape the global agenda. **One of the biggest sources of U.S. soft power is** quite simply **America’s** obvious **success as a nation**. Not everyone looks forward to a more interconnected and tolerant world. These ideas can be threatening to those who consider their way of life to be under siege by the West. Those who feel this divide most strongly are often the very people who seek to fight America and its allies. Yet every year the United States attracts more than four times the number of immigrants than any other country, and hundreds of thousands of foreign scholars and students as well. America’s history as an immigrant nation is an important source of its soft power. There is an enormous strength and vitality in the American civic spirit of opportunity, tolerance, mutual respect, and shared commitment and in an economy that rewards innovation and hard work. For people everywhere, the United States can be a partner for a better life.

Smart power is neither hard nor soft—it is the skillful combination of both. Smart power means developing an integrated strategy, resource base, and tool kit to achieve American objectives, drawing on both hard and soft power. It is an approach that underscores the necessity of a strong military, but also invests heavily in alliances, partnerships, and institutions at all levels to expand American influence and establish the legitimacy of American action. Providing for the global good is central to this effort because it helps America reconcile its overwhelming power with the rest of the world’s interests and values. Elements of this approach exist today in U.S. foreign policy, but they lack a cohesive rationale and institutional grounding. Three main obstacles exist. First, U.S. foreign policy has tended to over-rely on hard power because it is the most direct and CSIS COMMISSION ON Smart Power visible source of American strength. The Pentagon is the best trained and best resourced arm of the federal government. As a result, it tends to fill every void, even those that civilian instruments should fill. America must retain its military superiority, but in today’s context, there are limits to what hard power can achieve on its own. Second, U.S. foreign policy is still struggling to develop soft power instruments. Diplomatic tools and foreign assistance are often directed toward states, which increasingly compete for power with non-state actors within their borders. Diplomacy and foreign assistance are often underfunded and underused. These tools are neglected in part because of the difficulty of demonstrating their short-term impact on critical challenges. Figure 1 shows U.S. spending on international affairs over the past 20 years. Note that funding was generally stagnant for a decade. Increases in the early 1990s—due primarily to economic aid to Eastern and Central Europe—were offset by reductions in development assistance and public diplomacy funding. Increases from 1999 to 2002 were driven in part by security concerns following the embassy bombings in Nairobi and Dar el Salaam. Recent increases are on account of support to critical countries in the war on terror, the Millennium Challenge Corporation and PEPFAR initiatives, and humanitarian emergencies. It should come as no surprise that some of the best-funded and most appreciated soft power tools have been humanitarian operations carried out by the U.S. military such as tsunami relief in Southeast Asia and the earthquake response in Pakistan, since these operations produced results that were clear, measurable, and unassailable. Wielding soft power is especially difficult, however, because many of America’s soft power resources lie outside of government in the private sector and civil society, in its bilateral alliances, or through its participation in multilateral institutions. Third, U.S. foreign policy institutions are fractured and compartmentalized. Coordination, where there is any, happens either at a relatively low level or else at the very highest levels of government— both typically in crisis settings that drive out long-range planning. Stovepiped institutional cultures inhibit joint action. More thought should also be put into sequencing and integrating hard and soft power instruments, particularly in the same operating theater. Some elements of this approach are already occurring in the conduct of ongoing counterinsurgency, nation building, and counterterrorism operations— tasks that depend critically but only partially on hard power. The United States has in its past wielded hard and soft power in concert, with each contributing a necessary component to a larger aim. We used hard power to deter the Soviet Union during the Cold War and soft power to rebuild Japan and Europe with the Marshall Plan and to establish institutions and norms that have become the core of the international system. Today’s context presents a unique set of challenges, however, and requires a new way of thinking about American power.

The twenty-first century presents a number of unique foreign policy challenges for today’s decisionmakers. These challenges exist at an international, transnational, and global level. **Despite America’s status as the** lone **global** **power** and concerns about the durability of the current international order, America should renew its commitment to the current order and help find a way for today’s norms and institutions to accommodate rising powers that may hold a different set of principles and values. Furthermore, even countries invested in the current order may waver in their commitment to take action to minimize the threats posed by violent non-state actors and regional powers who challenge this order. The information age has heightened political consciousness, but also made political groupings less cohesive. **Small**, adaptable, transnational **networks have access to tools of destruction** that are increasingly cheap, easy to conceal, and more readily available. Although the integration of the global economy has brought tremendous benefits, **threats such as pandemic disease** and the collapse of financial markets **are more** distributed and more **likely** to arisewithout warning. The threat of widespread physical harm to the planet posed by nuclear catastrophe has existed for half a century, though the realization of the threat will become more likely as the number of nuclear weapons states increases. The potential security **challenges posed by climate change raise** the possibility of **a**n entirely **new set of threats** for the United States **to consider**. The next administration will need a strategy that speaks to each of these challenges. Whatever specific approach it decides to take, two principles will be certain: First, an extra dollar spent on hard power will not necessarily bring an extra dollar’s worth of security. It is difficult to know how to invest wisely when there is not a budget based on a strategy that specifies trade-offs among instruments. Moreover, hard power capabilities are a necessary but insufficient guarantee of security in today’s context. Second, success and failure will turn on the ability to win new allies and strengthen old ones both in government and civil society. **The key is** not how many enemies the United States kills, but how many **allies** it grows. States and non-state actors who improve their ability to draw in allies will gain competitive advantages in today’s environment. **Those who alienate potential friends will stand at greater risk**. China has invested in its soft power to ensure access to resources and to ensure against efforts to undermine its military modernization. Terrorists depend on their ability to attract support from the crowd at least as much as their ability to destroy the enemy’s will to fight.

Credibility outweighs other scenarios because (a) the card indicates that it controls the internal link, other existential threats can be solved with allies and (b) The U.S. can solve for most harms such as economic collapse through government action and executive orders, but the impacts I’ve illustrated operate outside government control – meaning a stronger strength of link to the impact.

2. Studies show people support rehab. **Hart**[[7]](#footnote-5)Americans strongly favor rehabilitation and reentry programs over incapacitation as the best method of ensuring public safety. Nearly **two-thirds of all Americans** (66%) **agree** that **the best way to reduce crime is to rehabilitate prisoners** by requiring education and job training so they have the tools to turn away from a life of crime, while just one in three (28%) believe that keeping criminals off the streets through long prison sentences would be the more effective alternative.¶ **This idea has** broad-based **support, with** solid majorities of whites (63% / 31%), fundamentalist Protestants (55% / 36%), and **Republicans** (55% / 38%) supporting rehabilitation over incapacitation as the best way to reduce crime. Interestingly, the 23% of **Americans who report that they** or a close family member **have been the victim of a violent crime endorse rehabilitation** even more strongly than the general public, **by a** decisive **73 to 21% margin.**

Turns cases based on society because I avoid the framework filter and ask them myself.

Also, link turns politics, my ev shows that rehabilitation has much more support. Also outweighs his link ev **(a)** Politics link ev is written by members of the political arena which is subject to extreme bias **(b)** He just asserts his claim whereas I warrant my claim with statistical data and **(c)** My ev includes specifics like Republican support, which is key to politics.

**PART 4 IS THE FRAMEWORK AND OFFENSE**

Generic frameworks about the moral rightness of something don’t posit an obligation to achieve that moral rightness, IE I could justify a framework that says it’s moral to achieve just deserts, but that doesn’t justify why I have an obligation to be moral. Without this key link, I sever the neg framework at the value.

I value obligations. All “ought” statements must be deducible from “is” statements about the natural world. Morality cannot be based on a priori reasoning because only physical facts exist. **Papineau 07** writes[[8]](#footnote-6)

In the middle of the nineteenth century the conservation of kinetic plus potential energy came to be accepted as a basic principle of physics(Elkana 1974). In itself this does not rule out distinct mental or vital forces, for there is no reason why such forces should not be ‘conservative’, operating in such a way as to compensate losses of kinetic energy by gains in potential energy and vice versa. (The term ‘nervous energy’ is a relic of the widespread late nineteenth-century assumption that mental processes store up a species of potential energy that is then released in action.) However, **the conservation of energy does imply that any** such special **forces must be governed by strict deterministic laws**: if mental or vital forces arose spontaneously, then there would be nothing to ensure that they never led to energy increases. During the course of the twentieth century received scientific opinion became even more restrictive about possible causes of physical effects, and came to reject sui generis mental or vital causes, even of a law-governed and predictable kind. Detailed physiological research, especially into nerve cells, gave no indication of any physical effects that cannot be explained in terms of basic physical forces that also occur outside living bodies. By the middle of the twentieth century, belief in sui generis mental or vital forces had become a minority view. This led to the widespread acceptance of **the doctrine** now known as the ‘causal closure’ or the ‘causal completeness’ of the physical realm, **according to which all physical effects can be accounted for by basic physical causes [was accepted]** (where ‘physical’ can be understood as referring to some list of fundamental forces).[[4](http://plato.stanford.edu/entries/naturalism/notes.html#4)]This historical sketch casts light on the evolution of ontologically naturalist doctrines. During the eighteenth-century heyday of Newtonian physics, science raised no objections to non-physical causes of physical effects. As a result, the default philosophical view was a non-naturalist interactive pluralism which recognized a wide range of such non-physical influences, including spontaneous mental influences (or ‘determinations of the soul’ as they would then have been called). **The** nineteenth-century **discovery** of the conservation of energy **continued to allow** that sui generis **non-physical forces** can interact with the physical world, **but required that they be governed by strict force laws.** This gave rise to an initial wave of naturalist doctrines around the beginning of the twentieth century. Sui generis mental forces were still widely accepted, but an extensive philosophical debate about the significance of the conservation of energy led to a widespread recognition that any such mental forces would need to be law-governed and thus amenable to scientific investigation along with more familiar physical forces.[[5](http://plato.stanford.edu/entries/naturalism/notes.html#5)] By the middle of the twentieth century, the acceptance of the casual closure of the physical realm led to even stronger naturalist views. The causal closure thesis implies that **any mental and biological causes must** themselves **be physically constituted**, if they are to produce physical effects. It thus gives rise to a particularly strong form of ontological naturalism, namely the physicalist doctrine that any state that has physical effects must itself be physical. From the 1950s onwards, philosophers began to formulate arguments for ontological physicalism. Some of these arguments appealed explicitly to the causal closure of the physical realm (Feigl 1958, Oppenheim and Putnam 1958). In other cases, the reliance on causal closure lay below the surface. However, it is not hard to see that even in these latter cases the causal closure thesis played a crucial role. Thus, for example, consider J.J.C. Smart's (1958) thought that we should identify mental states with brain states, for otherwise those mental states would be "nomological danglers" which play no role in the explanation of behaviour. Or take David Lewis's (1966) and David Armstrong's (1968) argument that, since mental states are picked out by their causal roles, and since we know that physical states play these roles, mental states must be identical with those physical states. Again, consider Donald Davidson's (1970) argument that, since **the only laws governing behaviour are those connecting behaviour with physical antecedents,** mental events can only be causes of behaviour if they are identical with those physical antecedents.

This evidence takes out other frameworks because they’re premised on obligations and morals existing.

Appealing to the constitutive rules of the agent is the only way to derive an “ought” from an “is”. **Searle 64** writes[[9]](#footnote-7)

This summary of the traditional empirical view has been very brief, but I hope it conveys something of the power of this picture. In the hands of certain modern authors, especially Hare and Nowell-Smith, the picture attains considerable subtlety and sophistication. What is wrong with this picture? No doubt many things are wrong with it. In the end I am going to say that one of the things wrong with it is that it fails to give us any coherent account of such notions as commitment, responsibility, and obligation. In order to work toward this conclusion I can begin by saying that the picture fails to account for the dzyerent Qpes of "descriptive" statements. Its paradigms of **descriptive statements are** such **utterances as** "my car goes eighty miles an hour," "Jones is six feet tall," **"Smith has brown hair,"** and the like. But it is forced by its own rigidity to construe 'Tones got married," "Smith made a promise," 'Tackson has five dollars," and "Brown hit a home run" as descriptive statements as well. It is so forced, because whether or not someone got married, made a promise, has five dollars, or hit a home run is as much a matter of objective fact as whether he has red hair or brown eyes. Yet the former kind of statement (statements containing "married," "promise," and so forth) seem to be quite different from the simple empirical paradigms of descriptive statements. How are they different? Though both kinds of statements state matters of objective fact, **the statements containing words such as** "married," **"promise,"** c chome run," and "five dollars" **state facts whose existence presupposes certain institutions**: a man has five dollars, given the institution of money. Take away the institution and all he has is a rectangular bit of paper with green ink on it. A man hits a home run only given the institution of baseball; without the institution he only hits a sphere with a stick. Similarly, **a man** gets married or **makes a promise only within the institutions of** marriage and **promising**. **Without them**, **all he does is utter words** or makes gestures. We might characterize such facts as institutional facts, and contrast them with noninstitutional, or brute, facts: that a man has a bit of paper with green ink on it is a brute fact, that he has five dollars is an institutional fact.6 The classical picture fails to account for the differences between statements of brute fact and statements of institutional fact. The word "institution" sounds artificial here, so let us ask: what sorts of institutions are these? In order to answer that question I need to distinguish between two different kinds of rules or conventions. Some rules regulate antecedently existing forms of behavior. For example, the rules of polite table behavior regulate eating, but eating exists independently of these rules. Some rules, on the other hand, do not merely regulate but create or define new forms of behavior: the rules of chess, for example, do not merely regulate an antecedently existing activity called playing chess; they, as it were, create the possibility of or define that activity. The activity of playing chess is constituted by action in accordance with these rules. Chess has no existence apart from these rules. The distinction I am trying to make was foreshadowed by Kantys distinction between regulative and constitutive principles, so let us adopt his terminology and describe our distinction as a distinction between regulative and constitutive rules. Regulative rules regulate activities whose existence is independent of the rules; **constitutive rules constitute** (and also regulate) **forms of activity** **whose existence is logically dependent on the rules**. Now the institutions that I have been talking about are systems of constitutive rules. The institutions of marriage, money, and promising are like the institutions of baseball or chess in that they are systems of such constitutive rules or conventions. What I have called institutional facts are facts which presuppose such institutions. 6 For a discussion of this distinction see G. E. M. Anscornbe, "Brute Facts," Analysis (I 958). 7 For a discussion of a related distinction see J. Rawls, "Two Concepts of Rules," Philoso~hicalReview, LXIV (1955). JOHN R. SEARLE Once we recognize the existence of and begin to grasp the nature of such institutional facts, it is but a short step to see that **many** forms of **obligations**, commitments, rights, and responsibilities **are similarly institutionalized**. It is often a matter of fact that one has certain obligations, commitments, rights, and responsibilities, but it is a matter of institutional, not brute, fact. It is **one such institutionalized form of obligation, promising,** which I **invoked** above to derive **an "ought" from an "is**." I started with a brute fact, that **a man uttered certain words**, and then invoked **the** **institution** in such a way as to **generate institutional facts by which** we arrived at the institutional fact that **the man ought to [follow]** pay another man five dollars. The whole proof rests on an appeal to the constitutive rule that to make a promise is to undertake an obligation. We are now in a position to see how we can generate an indefinite number of such proofs. Consider the following vastly different example. We are in our half of the seventh inning and I have a big lead off second base. The pitcher whirls, fires to the shortstop covering, and I am tagged out a good ten feet down the line. The umpire shouts, "Out!" I, however, being a positivist, hold my ground. The umpire tells me to return to the dugout. I point out to him that you can't derive an "ought" from an "is." No set of descriptive statements describing matters of fact, I say, will entail any evaluative statements to the effect that I should or ought to leave the field. "You just can't get orders or recommendations from facts alone." What is needed is an evaluative major premise. I therefore return to and stay on second base (until I am carried off the field). I think everyone feels my claims here to be preposterous, and preposterous in the sense of logically absurd. Of course you can derive an "ought" from an "is," and though to actually set out the derivation in this case would be vastly more complicated than in the case of promising, it is in principle no different. By undertaking to play baseball I have committed myself to the observation of certain constitutive rules. We are now also in a position to see that the tautology that one ought to keep one's promises is only one of a class of similar tautologies concerning institutionalized forms of obligation. " For example, "one ought not to steal" can be taken as saying that to recognize something as someone else's property necessarily involves recognizing his right to dispose of it. This is a constitutive rule of the institution of private p r ~ p e r t y ."~O ne ought not to tell lies" can be taken as saying that to make an assertion necessarily involves undertaking an obligation to speak truthfully. Another constitutive rule. "One ought to pay one's debts" can be construed as saying that to recognize something as a debt is necessarily to recognize an obligation to pay it. It is easy to see how all these principles will generate counterexamples to the thesis that you cannot derive an "ought" from an "is." My tentative conclusions, then, are as follows: I. The classical picture fails to account for institutional facts. 2. [Summary] Institutional facts exist within systems of constitutive rules. 3. Some systems of constitutive rules involve obligations, commitments, and responsibilities. 4. Within those systems we can derive "ought's" from "is's" on the model of the first derivation.

Obligations only make sense under some institution, otherwise only the objective facts exist. This means it is impossible to generate an obligation unless it’s from constitutive principles—otherwise I won’t have an obligation to keep my promises because all I did was utter words.

The constitution is the constitutive rule of all government agents. **Madison et al** write[[10]](#footnote-8)

**This Constitution**, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, **shall be the supreme Law of the Land**; and the Judges in every State shall be bound thereby, **any Thing in the Constitution or Laws of any State to the Contrary notwithstanding**. The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and **all** executive and judicial **Officers**, both of the United States and of the several States, **shall be bound by Oath** or Affirmation, **to support this Constitution**; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States. The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same. The Word, "the," being interlined between the seventh and eighth Lines of the first Page, the Word "Thirty" being partly written on an Erazure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page. Attest William Jackson Secretary done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In witness whereof We have hereunto subscribed our Names,

Thus the standard is **Consistency with the Constitution**. The constitution mandates punishment only for breaking a crime. You can’t punish someone twice, which retribution does. **Rotman**: Rotman, E. (1986). Do Criminal Offenders Have a Constitutional Right to Rehabilitation? The Journal of Criminal Law and Criminality, 77 (4).

Today this same principle can be used as a legal pillar to support **[There’s] a constitutional right to rehab**ilitation. If imprisonment itself is the punishment, **the unchecked harmful effects of incarceration on the mental and social health of the inmate represent illegal additional punishment**. Insti- tutionalization in an alienating and depersonalizing environment, without opportunities to combat degeneration or foster positive human development, is a source of various harmful effects that play no part in the design of legal sanctions. The law threatens citizens with imprisonment as the consequence of criminal conduct; that is where the deterrent function of the legal norm should stop. **The law expects the citizen to foresee the loss of liberty prescribed by statute but not the additional horrors of incarceration** that are not **[un]intended by law. The only way to** prevent or **compensate for such unjustified deprivations is to** carry out a positive program of **rehabilit[ate]**ative action.

And this outweighs. A) The purpose of the government as outlined by the Declaration of Independence is to protect people’s autonomy. Every classroom across America agrees. This is both the most fundamental and explicit violation of the constitution since we just destroy a person’s autonomy for no reason. B) The Rotman evidence is very specific to there being a *constitutional right to rehabilitation,* so even if the neg argues that rehab is a violation, that impact is speculative at best. Further, even if the neg disproves that retribution violates, Rotman still stands as offense because it outlines rehab being a right, not just retribution being a violation. C) The impact is also rape. **The Economist ’11:[[11]](#footnote-9)**

Sexual abuse in prison is distressingly common: the Justice Department estimated that **more than 217,000 prisoners**, including at least 17,000 juveniles, **were raped or** sexually **abused in** America in **2008**. A total of 12% of juvenile detainees, 4.4% of prison inmates and 3.1% of jail inmates (in American terminology, prisons hold long-term convicts; jails hold people awaiting trial or serving short sentences) surveyed between 2008 and 2009 reported being forced into sex. And that is the number of people, not incidents; most victims are abused more than once. **More inmates reported being abused by staff than by other inmates.**

And rape is 100% violation of the standard. When the state rapes a criminal, that criminal has NO voice and no autonomy. Plus, this violates the 8th amendment. Clearly, raping a burglar is cruel and unusual. Moreover, it permanently scars an individual, which outweighs on reversibility and duration since it lasts all of their life.

**Another Underview**

International Law requires rehabilitation, and focuses on education. The U.S. has a binding obligation to adhere to this treaty. **Whitney 09**[[12]](#footnote-10)

**The U.N. Standard Minimum Rules for the Treatment of Prisoners** contains several provisions specifically targeting education. These standards do not wield the force of law, but they are an “authoritative guide to binding treaty standards.” Under part II, the Guiding Principles for those overseeing the prison system **include a command** to take the necessary steps . . . **to ensure for the prisoner a** gradual **return to life in society**,” and to foster a sense of community inclusion. **The** U.N. Minimum **Rules require “the** further **education of all prisoners** capable of profiting thereby, making such education compulsory for youthful and illiterate offenders. Furthermore, the Rules stress the importance of aligning the prison curriculum with that of the community, so that upon release, the prisoners may resume their learning without significant difficulty.

The American Declaration on the Rights of Man should be read in conjunction with the Standard Minimum Rules. **Article 25 of the American Declaration guarantees to prisoners** the right to **humane treatment** during their custody. As one scholar observed, “while some aspects pertaining to the treatment of prisoners have quite clearly evolved into international customary law, others are far from the level of general acceptance, and may never achieve customary status.” For example, while humane treatment may require that prisoners have access to a library, as is stated in the Standard Minimum Rules, the international community does not accept such a right as a binding norm.

Several **notable U.S. cases** mention the Standard Minimum Rules for the Treatment of Prisoners, although “the standards are rarely seen in use in U.S. prison administration.” In *Lareau v. Manson*, the Second Circuit specifically **identifies the Rules as customary international law**. The Supreme Court case of *Estelle v. Gamble* also acknowledged the Standard Minimum Rules when determining whether a prison failed to provide adequate medical care to an inmate:

The infliction of such unnecessary suffering is inconsistent with contemporary standards of decency as manifested in modern legislation codifying the common-law view that ‘it is but just that the public be required to care for the prisoner, who cannot by reason of the deprivation of his liberty, care for himself.’

In addition to acknowledgement from the Court, individual states have adopted the Standard Minimum Rules to some extent, including Pennsylvania, Connecticut, South Carolina, Illinois, Ohio, and Minnesota.

Every violation of I-Law matters, it sets a precedent for future decisions. **Calabresi 05**[[13]](#footnote-11)

Six Justices on the Rehnquist Court signed on to the conclusion in *Roper* that the Court may, at least on some occasions, rely upon foreign sources of law. We submit, therefore, that such reliance is not likely to wane anytime soon, even with two new appointments, and that the real question for the future is not whether but when the Court will cite foreign sources of law. This is especially true since **reliance upon** such **[foreign] sources of law has a self-validating and snowballing aspect to it**, wherein **the more significant** and widespread **the Court's use of foreign sources now**, **the greater** the body of **precedent the Court will have to cite for using foreign sources of law in the future.**

I-law solves multiple scenarios for extinction, but U.S. commitment is key. **IEER 02**[[14]](#footnote-12)

The evolution of international law since World War II is largely a response to the demands of states and individuals living within a global society with a deeply integrated world economy. In this global society, **the repercussions of** the **actions** of states, non-state actors, and individuals **are not confined within borders**, **whether we look to** greenhouse gas accumulations, **nuclear testing**, the danger of accidental **nuclear war**, **or** the vast **massacres of civilians** that have taken place over the course of the last hundred years and still continue. **Multilateral agreements** increasingly **have** **been a primary instrument employed** by states **to meet extremely serious challenges** of this kind, for several reasons. They clearly and publicly embody a set of universally applicable expectations, including prohibited and required practices and policies. In other words, **they articulate global norms**, **such as the** protection of human rights and the **prohibitions** of genocide and use **of weapons of mass destruction**. **They establish** predictability and **accountability** in addressing a given issue. States are able to accumulate expertise and confidence by participating in the structured system offered by a treaty. However, influential U.S. policymakers are resistant to the idea of a treaty-based international legal system because they fear infringement on U.S. sovereignty and they claim to lack confidence in compliance and enforcement mechanisms. This approach has dangerous practical implications for international cooperation and compliance with norms. U.S. treaty partners do not enter into treaties expecting that they are only political commitments by the United States that can be overridden based on U.S. interests. **When a powerful and influential state like the U**nited **S**tates is seen to **treat[s]** **its legal obligations as a matter of convenience** or of national interest alone, **other states will see this as a justification to** relax or **withdraw** from their own commitments. If the United States wants to require another state to live up to its treaty obligations, it may find that the state has followed the U.S. example and opted out of compliance.

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Evidence shows the aff has bipartisan support.

Richard **Fausset**, [January 28, **2011**](http://articles.latimes.com/2011/jan/28), Los Angeles Times, Conservatives latch onto prison reform, <http://articles.latimes.com/2011/jan/28/nation/la-na-conservative-crime-20110129>

Reporting from Atlanta — Reduced sentences for drug crimes. More **job training** and **rehabilitation programs** for nonviolent offenders. Expanded alternatives to doing hard time. In the not-too-distant past, conservatives might have derided those concepts as mushy-headed liberalism — **the essence of "soft on crime."** Nowadays, these same ideas **are central to a strategy being packaged as "conservative criminal justice reform,"** and have rolled out in right-leaning states around the country in an effort to rein in budget-busting corrections costs. **Encouraged by the recent success of reform efforts in Republican-dominated Texas** — where prison population growth has slowed and crime is down —conservative leaders elsewhere have embraced their own versions of the strategy. South Carolina adopted a similar reform package last year. **Republican governors are backing proposals** in Louisiana and Indiana. The about-face might feel dramatic to those who remember the get-tough policies that many conservatives embraced in the 1980s and '90s: In Texas, Republican Clayton Williams ran his unsuccessful 1990 gubernatorial campaign with a focus on doubling prison space and having first-time drug offenders "bustin' rocks" in military-style prison camps. Now, with most states suffering from nightmare budget crises**, many** conservatives **have acknowledged that hard-line strategies**, while partially contributing to a drop in crime, **have also added to fiscal havoc. Corrections is now the second-fastest growing spending category for states**, behind Medicaid, costing $50 billion annually and accounting for 1 of every 14 discretionary dollars, according to the Pew Center on the States. **That crisis affects both parties, and state Democratic leaders have also been looking for ways to reduce prison populations**. But it is conservatives who have been working most conspicuously to square their new strategies with their philosophical beliefs — and sell them to followers long accustomed to a lock-'em-up message. Much of that work is being done by a new advocacy group called Right on Crime**, which has been endorsed by** conservative luminaries such as former House Speaker **Newt Gingrich,** former Education Secretary William J. Bennett, **and Grover Norquist** of Americans for Tax Reform. The group has identified 21 states engaged in some aspect of what they consider to be conservative reform, including California. On its website, the group concedes that the "incarceration-focused" strategies of old filled jails with nonviolent offenders and bloated prison budgets, while failing to prevent many convicts from returning to crime when they got out. "Maybe we swung that pendulum too far and need to reach a cost-effective middle ground here," said Marc Levin, director of the Center for Effective Justice at the Texas Public Policy Foundation, which launched the advocacy group last month. "We have to distinguish between those we are afraid of and those we are just mad at." The right's embrace of ideas long espoused by nonpartisan and liberal reform groups has its own distinct flavor, focusing on prudent government spending more than social justice, and emphasizing the continuing need to punish serious criminals. Even so, the old-school prison reform activists are happy to have them on board. "Well, when **the left and the right agree**, I like to think that you're on to something," said Tracy Velazquez, executive director of the Justice Policy Institute, a Washington think tank dedicated to "ending society's reliance on incarceration."

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